

IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF IOWA

In the Matter of:

**Joseph Michael Hinton,
Amanda Sue Hinton,**

Debtor(s)

Case No. **10-04477-lmj13**

August 2, 2011 Courtroom Hearing on: **Chapter 13 Trustee's Motion to Dismiss (#50)**

Court Reporter: Karla Lester - Advantage Litigation Support

Appearances: Elizabeth E. Goodman, Attorney for Trustee (☒ Present ☐ Not Present ☐ NA)
Penelope C. Souhrada, Attorney for Debtor(s) (☒ Present ☐ Not Present ☐ NA)

ORDER

(date entered on docket: August 3, 2011)

It is hereby ORDERED that:

- ☐ The motion is granted and the case is dismissed. ☐ Service of this order on all parties in interest and the United States Trustee shall satisfy Rule 2002(f)(2) and (k) of the Federal Rules of Bankruptcy Procedure.
- ☐ The motion is denied.
- ☐ The controversy is deemed moot because the trustee verbally withdrew the motion at the time of the hearing.
- ☐ Based on the verbal notice of conversion to Chapter 7 by the debtor(s), the entry of this Order on the docket shall constitute notice of conversion pursuant to 11 U.S.C. section 1307(a). Upon payment of the filing fee for conversion, the Clerk's Office shall prepare the 11 U.S.C. section 341 notice in converted case and shall serve it on parties in interest pursuant to Rule 2002(f)(2) and (k) of the Federal Rules of Bankruptcy Procedure.
- ☐ The debtor(s) shall file ☐ a notice of conversion or a ☐ modified plan / ☐ motion to modify plan after confirmation by _____ or the case shall be dismissed without further notice and hearing upon the trustee filing an affidavit of noncompliance.
- ☐ By _____ the debtor(s) shall:
 - ☐ provide the trustee with the requested ☐ income information ☐ expense information ☐ domestic support obligation information ☐ tax returns and refunds.
 - ☐ file amended Schedule(s) _____.
 - ☐ file an objection to the proof of claim filed by _____.
- ☐ The parties shall submit a consent order by _____.
- ☒ The matter is continued to September 7, 2011 at 9:30 a.m. (Locations: ICN Courtroom, 3rd Floor, U.S. Courthouse Annex, 110 East Court Avenue, Des Moines, Iowa and Courtroom 140, Davenport Courthouse, 131 E. 4th Street, Davenport, Iowa.)
- ☐ The debtor(s) shall cooperate with the trustee in completing and submitting a consent order in the interim or the Court will grant the trustee's motion to dismiss at the time of the continued hearing.
- ☐ Debtor(s) shall bring the arrearage in plan payments current by _____ or the case shall be dismissed without further notice and hearing upon the trustee filing an affidavit of noncompliance.
- ☐ 11 U.S.C. section 109(g)(1), preventing debtor(s) from seeking relief under title 11 of the United States Code for 180 days ☐ applies / ☐ will apply unless _____.

Today's record shall constitute the Court's findings and conclusions pursuant to Federal Rules of Bankruptcy Procedure 7052 and 9014.

/s/ Lee M. Jackwig

Lee M. Jackwig
U.S. Bankruptcy Judge

Parties receiving this order from the Clerk of Court:

- ☒ Electronic Filers in this Chapter Case
- ☐ Everyone in this Chapter Case
- ☐ Others: